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the area of treatment.

REMARKS

This Amendment is in response to the Office Action dated June 20, 2002. Claims 1-10 are pending in this application. By this Amendment, Applicant has amended claims 7 and 8 to better define the present invention. Independent method claim 7 has been amended by including language originally found in claim 8. Accordingly, claim 8 has been amended to reflect the changes made to independent claim 7. The Examiner has indicated that claim 4 would be allowed if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

The Examiner has rejected claim 7 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,228,110 to Munsinger (the "Munsinger patent"). In view of the amendment made to claim 7, which now recites that the moveable sheath is placed along the expandable member to create a working length of the expandable member in which only a portion of the expandable member not covered by the sheath will expand when inflated, it is believed that the method of claim 7 is not shown nor suggested in the Munsinger patent. Accordingly, Applicant submits that the Munsinger patent should be withdrawn as an anticipatory reference to claim 7.

Claims 1-3, 5-6 and 8-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Munsinger patent in view of U.S. Patent No. 5,545,209 to Roberts et al. (the "Roberts patent"). Applicant strongly disagrees with the Examiner's rejection of these claims based upon the Munsinger and Roberts patents. The moveable sheath

shown in the Munsinger patent is used for one, and only one purpose, namely to cover the stent 162 on the catheter shaft the stent until the stent is positioned within the target area of the patient. Thereafter, the retractable sheath can be removed completely from the stent to allow the stent to be deployed at the target location. The Examiner is directed to column 3, lines 61-66 of the Munsinger patent which reads as follows:

“Shown covering stent 162 is an optional retractable sheath 166 slidably mounted on distal catheter shaft 194. Retractable sheath 166 is retractable from a fully extended position (as shown) in which the treatment device stent 162 is covered by the retractable sheath and a fully retracted position (not shown) in which the treatment device, stent 162, is exposed.”

Therefore, there are only two positions in which this retractable sheath 166 is used in the Munsinger patent, either to completely covered or completely exposed the stent.

Therefore, one skilled in the art would only recognize the use of this optional sheath in the Munsinger patent as a means for stent security.

Turning now to the Roberts patent, it is noted that the stent is mounted on retractable sheath which is, in turn, mounted over an expandable balloon. In practice, the sheath must be retracted without moving the stent to expose portions of the balloon to allow the balloon to be progressively and incrementally inflated. There is no teaching or suggestion to mount the sheath over the stent in the Roberts patent or to mount the stent directly over the balloon. *Robertson*

Applicant strongly disagrees with the Examiner that one skilled in the art would have achieved the invention of the present claims by simply combining the devices found in the Munsinger patent with the Roberts patent. Rather, the particular structure that one skilled in the art would have developed in reviewing the Munsinger and Roberts patents would be a retractable sheath upon which the stent is mounted, as is

shown in the Roberts patent, with a second sheath extending over the stent for stent security, as is shown in the Munsinger patent. It must be remember that the retractable sheath in the Munsinger patent is simply used as an optional element to cover the stent. Since the sheath of the Roberts patent is designed to retract over the stent, the teachings of the Munsinger patent would call for a second, optional sheath to be placed over the stent for stent security. Therefore, the device which would be created from the properly interpreted teachings of the Munsinger patent and Roberts patent would look like a device similar to the Roberts device, except with a second retractable sheath adapted to extend over the stent. Any suggestion to the contrary goes beyond the teachings of these patents and suggests that the Examiner has simply used impermissible hindsight in an attempt to recreate the claimed invention. The structure which would properly be constructed from the cited patents is not the structure of Applicant's pending apparatus claims nor the method of use recited in applicant's pending method claims. Accordingly, the invention of the pending claims is simply not created by the combination of devices disclosed in the Munsinger and Roberts patents and the structure would not have been obvious in view of these two patents.

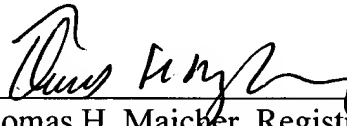
In view of the foregoing, it is respectively urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at 310-824-5555 to facilitate prosecution of this application, if necessary.

Attached hereto is a marked up version of the changes made to the claims

by the current Amendment. The attached page is captioned "Version With Markings To Show Changes Made."

Respectfully submitted,

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THM:mem

Enclosure:

Request for Two Month Extension of Time
Postcard

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Version With Markings To Show Changes Made

7. (Amended) A method of delivering a stent within an area of treatment in a body lumen, comprising:
- mounting a stent upon an expandable member having a length greater than the length of the stent;
 - covering the stent and expandable member with a moveable sheath which is disposed in a co-axial arrangement over the stent and expandable member;
 - advancing the stent and expandable member into the area of treatment in the body vessel;
 - retracting the sheath to expose the mounted stent on the expandable member, the moveable sheath being placed along the expandable member to create a working length of the expandable member in which only the portion of the expandable member not covered by the sheath will expand when inflated;
 - inflating the expandable member to expand the stent within the body vessel; and
 - deflating the expandable member.

8. (Amended) The method of claim 7, wherein:

[the moveable sheath can be placed along the expandable member to create a working length of the expandable member in which only the portion of the expandable member is not covered by the sheath will expand when inflated; and]

after the expandable member has been deflated, the sheath is moved over the expandable member to create a working length of the expandable member which is utilized to expand any portion of the stent which has not been fully deployed within the area of treatment.